

HAINS PLEADS HE CAN'T REMEMBER KILLING ANNIS

John F. McIntyre, Retained as Chief Counsel, Outlines Plan He Will Pursue, Indicating Battle of Experts at Trial.

A plea of insanity for the defense of Capt. Peter C. Hains, when he is placed on trial for killing William E. Annis, was outlined this afternoon by John F. McIntyre, who has been retained as chief counsel for the defense. Mr. McIntyre had just left the Long Island City Jail after a long conference with Capt. Hains and T. Jenkins Hains, their father, Gen. Hains, and their brother, Major Hains.

"I could get very little out of Capt. Hains," said Mr. McIntyre. "His mind is an absolute blank as to the occurrences of last Saturday. I shall not see him again for a few days. It is my intention to attend the inquest to-night as a matter of form. Of course it is too early to say what defense will be advanced on behalf of Capt. Hains and his brother. But I will say that this case is similar to that of David Hannigan, whom I prosecuted. He was acquitted."

The statement of Mr. McIntyre, that Capt. Hains does not remember killing Annis last Saturday, plainly indicates another battle of experts, such as characterized the Thaw trials. Undoubtedly the defense will allege that Capt. Hains was insane when he committed the crime. Such a defense, however, would be extremely awkward for T. Jenkins Hains, the brother, who is accused of being an accessory. Thus far there has been no intimation that T. Jenkins Hains is crazy.

Mr. McIntyre declares that there is no law by which the two brothers can be tried together. He announced that the defense would produce threatening letters which were written by Annis to Capt. Hains.

At the interment of the body of Annis in St. Michael's Cemetery, Astoria, today Mrs. Annis, who had borne herself with rare fortitude, broke down when the coffin was opened to allow her and her two sons to take a last look at the face of the dead. Mrs. Annis was carried away from the grave, moaning: "My God, how I loved him! How can I stand it?"

Predicts a Sensation.

C. A. Birchfield, one of the pallbearers and a witness to the tragedy at the Bayview Yacht Club, made a statement at the grave to an Evening World reporter forecasting sensational developments at the trial of the Hains brothers. Mr. Birchfield was on terms of intimate friendship with Annis.

"Capt. Hains," declared Mr. Birchfield, "did not kill Will Annis because he believed Annis had despoiled his home. He knew Annis was not guilty. There was something else behind it. Capt. Hains was not insane. The moving power in the murder was T. Jenkins Hains, the brother. It will be shown at the trial that T. Jenkins Hains was infatuated with his brother's wife and this was one reason why he wanted Annis killed. He was jealous. Then there is another motive, one I am not at liberty to discuss."

It is believed that this hidden motive was resentment at charges of moral depravity and degeneracy made by Mrs. Hains against her husband. In a counter suit filed by her after he brought his divorce action, the supposition is that Capt. Hains and T. Jenkins Hains suspected Annis of having inspired the filing of the counter-suit, although Annis was not named as a co-respondent in the suit instituted by Capt. Hains.

Before the body of her husband was taken from her home at No. 41 Claremont avenue, today, Mrs. Annis, in answer to questions submitted through her friend, Mrs. Harvey G. Rockwell, made a short statement. She virtually accused T. Jenkins Hains of having instigated the murder of her husband. "I had absolute confidence in my husband," said Mrs. Annis. "I never believed the charges made against Mrs. Hains in which my husband was alleged to have figured."

Never Doubted Her Husband.

"Even when the Hains suit for divorce was brought, and I knew my husband was associated with it, I felt so confident of his innocence that I did not

seen in flushing and in the vicinity of the Bayview Yacht Club.

The charges against Capt. Hains are similar to the accusations made against Count Eulenberg and other officers of the German army, during the exposure of the "Knights of the Round Table" in Berlin. Mrs. Hains, in the papers in the suit, goes into a complete history of Capt. Hains' alleged misdoings, and while she does not mention names, she tells of instances that date back to the time she and Hains were on their bridal trip.

She also tells of alleged acts of misconduct while Hains was stationed at Fort Monroe. On one occasion, she relates, she found him in the quarters of an officer whose residence was close to the home she and Hains were occupying. She charges, further, that Hains ill-treated her in a most unnatural manner.

Annis Not Named.

One of the really significant developments of today was the discovery of the fact that in Capt. Hains' original divorce papers he did not list Annis among the co-respondents either by name or by inference. Nowhere in the first petition of the husband was there any suggestion that he suspected his friend Annis of undue intimacy with his wife.

At that time Hains' counsel was David C. Bennett, Jr., a young lawyer of high repute and ability, who has offices at No. 40 Wall street, New York. Although Mr. Bennett now takes refuge behind the wall of professional ethics and declines to discuss the affair, certain facts came to light today which open the door on a most significant chapter hitherto untold in the tangled intrigue which led to the most dramatic murder since Harry Kendall Thaw shot Stanford White to death two years ago.

It appears that after Mr. Bennett had prepared Hains' suit—this being about the middle of May as nearly as can be ascertained—he retired summarily from the case because he did not like the way his client obtained the special confession from Mrs. Hains of her alleged misconduct with the advertising manager. There was also a story about today that about this time Mr. Bennett caught his first information regarding the serious nature of the counter charges which Mrs. Hains proposed to make against her husband. For this latter report no confirmation could be obtained.

It is stated, however, on what appears to be most excellent authority, that on or about Memorial Day, Mr. Bennett, Capt. Hains and a third gentleman in nowise connected with the suit dined together at the Crescent Athletic Club house in Bay Ridge. The preliminary steps in the captain's divorce suit were then under way.

Rushed to Fort Hamilton.

The dinner had just started, it is said, when Capt. Hains was called to the telephone. After spending a minute or two in the booth he returned to the table apparently excited and excused himself to his companions, saying he was being called to Fort Hamilton, where he was then stationed, by urgent private business.

For Hamilton is not far from Bay Ridge. Hains took a cab and drove away at top speed. Mr. Bennett and the third member of his dinner party waited for him nearly two hours before he returned. His clothing was disordered and he appeared to be suffering from mental distress of some sort. He sat in the smoking room of the club with the other two until nearly midnight, but his manner was so disordered that it attracted the notice of several outsiders.

Late that night, when there was opportunity for private conversation, Hains, it is stated, told Bennett that during his absence he had, with the aid of his father and brother, and in their presence, obtained a confession from Mrs. Hains. He did not inform Bennett as to the exact manner in which this admission of wrongdoing had been wrung from the woman. But within a day or two the lawyer learned all the circumstances, and on that account, it is said, he withdrew at once from the case. His firm sent a bill to Hains for \$300 for services to date. The bill was paid, and so far as Mr. Bennett is concerned the matter became a closed incident.

Enlisted Men Mentioned.

In Hains' complaint in the divorce suit, it is alleged that his wife was untrue to her marriage vows and that she was on intimate terms not only with officers at the post, but even with enlisted men. There are other charges in which hotels are named. Mrs. Hains met men other than her husband. After the papers had been examined by the Libbys, they were turned over to Lawyer Norton, of Boston, an old friend of the family, who is now in New York looking after Mrs. Hains' interest. It was suggested that there should be no public trial, that the case be referred to a referee and testimony taken in secret. In one of the charges in which hotels are named, about this it was suggested that a conference be held and Mr. Norton went to New York and met Hains' former lawyer. Nothing came of the conference.

It was then decided to bring a libel action against Capt. Hains, in which the charge of depravity was made. It was insisted that the hearing must be in open court, so that Mrs. Hains could go on the witness stand and tell of her husband's offenses and be corroborated by other witnesses. That it was at first the intention of Capt. Hains to kill Annis is doubted by those who knew him. They say the disclosures in his wife's action no doubt prompted him to kill Annis.

No Challenge to Duel.

Arthur F. Gotthold, of No. 2 Wall street, who was counsel for William E. Annis in the Hains divorce proceedings, called upon District-Attorney Darrin at Long Island City today. Mr. Gotthold said that Capt. Hains never sent a challenge to a duel to Annis and that Annis never received any threatening letters from Hains. "If Annis received letters warning him to look out for the Hainses, he said nothing to me about them," said Mr. Gotthold. "The chances are that the receipt of such letters—if any were received—was not considered by him of moment enough to call for any consultation with me. However, there are some matters having an important bearing on the tragedy with which I am familiar, but they are shielded by the curtain of the Government's clerk. It would take some time to find one to preside at the Hains trial at this time."

Children of T. Jenkins Hains.

The two little daughters of T. Jenkins Hains are at home at No. 41 Claremont avenue, today. They are being shielded by the curtain of the Government's clerk. It would take some time to find one to preside at the Hains trial at this time."

EMPEROR FRANCIS JOSEPH 78.

VIENNA, Aug. 19.—The celebration of the seventy-eighth birthday of emperor Francis Joseph is being made the occasion of patriotic festivals in the capital and throughout Austria and Hungary.

John J. Hayes, Winner of the Olympic Marathon, Just Home



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Hains are at his home on the second floor of a fine two-family house at No. 40 Eighty-sixth street, Bay Ridge, Mollie, the elder, is three and a half years old. The other, Louise, is nine months old. Mrs. T. Jenkins Hains died in Washington last January from an illness brought on in childhood.

The children are in charge of a French maid, Marie Saumante, who has been with the family ever since the birth of little Mollie. This child is deeply attached to her father and continually asks for him.

From the maid and the neighbors it was determined that Capt. Hains called on his brother Friday evening, bringing a letter he had received that day from his lawyer, W. G. Percy, who had charge of his divorce proceedings. The letter bade him "wait" until after the return to the city of Frank Wild, counsel for Mrs. Hains. In general the tone of the episode advised caution.

Went Direct to Yacht Club.

They left the house on Saturday morning—the day of the tragedy—at 11 o'clock. The maid says that Capt. Hains told her to fix up a nice dinner because he and "Pete," as he called his brother, would be home early. It appears that they went direct from the house to the Bayview Yacht Club in Flushing, where Capt. Hains killed Annis.

The maid says that T. Jenkins Hains never carried a revolver and had no weapons in the house outside of three pistols hanging on the wall of his den. She is certain he had no revolver when he left the house Saturday morning. If the maid's belief concerning the revolver is correct, Hains must have bought a pistol on his way to the Bayview Yacht Club.

After moving to Bay Ridge, Hains lived in Twenty-third avenue, Bensonhurst. He moved to Bay Ridge about the time he sent a cablegram to his brother in the Philippines telling him of the alleged indiscretions of his wife with Annis.

Among the neighbors in Bay Ridge T. Jenkins Hains was considered a peculiar character. It was known to them that he had been deeply affected by the death of his wife. He was accustomed to walking up and down in front of the house in his bare feet, with his hands crossed behind his back, for hours at a time.

Hains struck up quite a friendship with a young man named Walter Mason living next door. He told Mason a few weeks ago that he had killed a man down south when he was a young fellow and been acquitted.

"When a man is born to be killed," Hains said to Mason, "and he is killed, the law always takes notice of the need of the killing. A law will save a man who kills another man that ought to be killed."

Coroner Ambler's inquest—a perfunctory affair—was held at 4 o'clock today at the Flushing Town Hall. Not more than half a dozen witnesses will be called. The coroner will merely establish the fact of the murder; he will not attempt to go into the motive.

DELAY IN NAMING A HAIN'S JUSTICE.

(Special to The Evening World.)

ALBANY, Aug. 19.—It was stated at the Executive Chamber today that if District-Attorney Darrin of Queens County should apply for the appointment of a special Supreme Court justice to sit in the Hains murder trial, no action could be taken for a week or ten days, as Gov. Hughes will not return from his tour of the country until Friday.

"As many of the justices are in Europe or in the woods," said one of the Governor's clerks, "it would take some time to find one to preside at the Hains trial at this time."

HAYES GIVEN A WARM WELCOME ON HIS ARRIVAL

Marathon Winner Is Met Down the Bay by a Boat Load of Admirers.

"Now up with him and three times three," little Johnny Hayes shouted into the air, propelled by a dozen pairs of stout arms belonging to members of the Irish-American Athletic Club. The winner of the Olympic Marathon in London got his first reception on the White Star line pier after the Oceanic had docked this morning.

"And now give him an Irish tiger and a cheer for his dad," said President F. J. Conway, of the Irish-American Club, who led the forces, and with a roar that shook the roof the members again responded.

Hayes, with J. P. Halstead, N. Y. A. C. R. A. Spitzer, Yale, George Cameron, N. Y. A. C. M. J. Ryan, Irish-American A. C. and John N. Patterson, Chicago A. A. formed another bunch of returning American athletes who won honors in the Stadium at Shepherds Bush last month.

The steamer Massasoit had been chartered to take a party of the Irish-Americans and friends of the athletes down the harbor early this morning to meet the Oceanic. On board besides President Conway were Matt Halpin, Tom Malone, William L. Jones and a bunch of newspaper men. Manager Joseph J. Kelly represented the Bloomington establishment. Across the cabin of the Massasoit was displayed in large letters the words: "Welcome Home."

The band of Bloomingdale Bros. of fifty pieces added the joyous welcome. None boarded the steamer, however, until the dock was reached, and then the enthusiasm knew no bound.

Talk about hero worship. Why, as Pat Conway said: "There is just nothing to it. From the moment the hat of little Hayes appeared just above the rail of the towering steamer (the weights about 130 and stands 5 feet 4 inches) there were cheers from steamer and dock. Then flattered a handkerchief on which were the figures '28' (Hayes' number in the Marathon) and an Irish harp in green, which enthusiastic admirers aboard stretched across the breast of the midship athlete, who had been lifted upon the rail. Cheers were redoubled then and the little fellow wiped away the moisture which had gathered in his eyes at the joyous greeting."

When this was all over Hayes was left to the reporters and he said: "I am glad to be home again and proud to bring to my country the much sought prize in the Marathon. I have had a delightful trip since the race in England and Ireland, particularly at the former home of my grandfather in Nenagh, where they were just as happy over my Marathon victory as here. I travelled from Belfast to Cork and will never forget the treatment accorded me."

Questioned further regarding the running of the Marathon, Hayes said that the English press did not go out of its way in speaking of the Americans. Morrissey said to be about the only one who had a look-in for the Marathon. "The English newspapers do not represent the sentiment of the people," continued Hayes.

Attack Brings on Recurrence of Gout—All Audiences Are Suspended.

ROME, Aug. 19.—Pope Pius is slightly indisposed, having caught a cold which has brought on a recurrence of gout. His physicians have ordered that he take a rest and consequently all audiences have been suspended.

Dr. Petacci, the private physician to the Pope, and Prof. Marchisaglia, his consulting physician, who visited the Pontiff today, declared that the indisposition of the Holy Father was insignificant. The audiences were suspended chiefly for the reason of preventing an increase of the Pope's nervousness. It is expected that a few days will suffice to bring about complete recovery.

HIGHLANDERS

(Continued from First Page.)

Hemphill smashed a hot one past third for two bases. LaPorte lifted a fly to Cobb. Coughlin threw out Delahanty. NO RUNS.

Sixth Inning.

Rossman filed to Hemphill. Coughlin struck out. Schmidt singled past second. Schmitt went to second on a wild pitch. O'Leary fled to Delahanty. NO RUNS.

Coughlin threw out Ball. Blair fled to Schaefer. Chesbro fled to Cobb. NO RUNS.

Seventh Inning.

Mullin beat out a slow one to short. LaPorte tossed out McIntyre. While Mullin took second, LaPorte also threw out Schaefer. Ball threw out Crawford. NO RUNS.

Coughlin tossed out Conroy. McIlwain singled past second. Both runners advanced as LaPorte beat out a bunt and sent McIlwain to third. Hemphill again singled, scoring McIlwain and sending Mortality to second. Both runners advanced as LaPorte grounded out to Rossman, unassisted. Mortality made a clean steal of home and Hemphill moved up to third. Delahanty struck out. TWO RUNS.

Eighth Inning.

Cobb singled to centre. Rossman was thrown out by LaPorte and Cobb, who tried to make third, was out. Mortality to Conroy. Jones batted for Coughlin and lined out to Delahanty. NO RUNS.

Downs batted for Coughlin. Coughlin beat out a two-bagger to the score board, and scored on Blair's three-bagger down the right field line. Chesbro smashed another two-bagger to the score board, and Blair scored. Conroy fled to Crawford. McIlwain singled to centre, scoring Chesbro. Mortality fled to Downs and McIlwain was doubled up. Downs to Rossman. THREE RUNS.

Ninth Inning.

LaPorte threw out Schmidt and Cobb tossed out O'Leary. Mullin hit to deep right for three bases. McIntyre walked. Schmitt was walked hitting the bases. Ball threw out Crawford. NO RUNS.

FELL OFF A FIRE-ESCAPE.

George Mell, two and a half years old, of No. 57 Southern Boulevard, fell from a fire-escape on the fourth story of his home to the yard and was removed to Lenox Hospital suffering from injuries from which it is feared he will die.

W. Sheppard, was simply an accident of the drawing.

"Carpenter did not foul Halswell in their heat. He had the Englishman run out before they had gone 200 yards. But the English rules differ from ours and forbid a man running out on the rail. Carpenter did not cut Halswell off, as the latter had plenty of room to get past on the inside if he had desired."

Almost all disputes that arose in the contest came from the difference in interpretation of the rules of the two countries, and on that account the athletes as well as the officials did not seem at all times to reach the same conclusions. It was not the idea of the English, I think, to give us any the world of it."

Following the reception at the pier President Conway took the athletes to the club-rooms of the Irish-Americans at No. 163 East Sixtieth street and then to his home for lunch.

Hayes Visits City Hall.

Hayes, the Marathon winner, called on Acting Mayor McGowan in the City Hall today. He was accompanied by P. J. Conway, of the Irish-American Athletic Club, W. P. Hayes, his brother, and J. H. Halpin, of the J. J. Kelly, N. Y. A. C. M. J. Ryan, Irish-American A. C. and John N. Patterson, Chicago A. A. formed another bunch of returning American athletes who won honors in the Stadium at Shepherds Bush last month.

It will hardly be possible to secure Federal troops to join in the parade of Aug. 29, when the parade will be held in the city of New York.

P. J. Conway, received a cablegram from Lawson Robertson, of the team, dated at the Royal British Hotel, Edinburgh, in which he promised that they will be on hand for the reception.

CLOTHIER WINS FROM LITTLE IN TENNIS TOURNAMENT

Philadelphian Outclasses New York Man in First Round of Singles.

NEWPORT, R. I., Aug. 19.—William J. Clothier, of Philadelphia, defeated R. D. Little, of New York, in their match in the first round of the all-comers' singles tennis tournament to-day in three sets to love. The scores were 6-2, 6-2, 6-3.

Clothier played all around Little, displaying a cool calculating game, while the New York player was nervous and erratic. The match was the feature of today's sport at the Casino.

A cablegram from England this morning fixes Longwood as the place for the playing of the preliminary Davis cup matches. The dates will be Sept. 17, 18 and 19.

Summary:

Second round—R. W. Wilson beat R. C. Beaver by default. D. Clarke beat V. Johnson by default.

Third Round—R. Stevens beat A. D. Thayer 6-4, 6-0, 6-1.

Fourth Round—J. Clothier defeated R. D. Little, 6-2, 6-2, 6-3.

Second Round (continued)—R. Leroy defeated Cyril Hargis, by default; Seymour Johnson defeated F. W. Barnham, by default; A. C. Butler defeated H. M. Hartington, by default; A. Stillman defeated W. D. Bourne 6-4, 6-2, 6-1; R. L. James defeated H. R. Fortesque, by default; J. C. Colston defeated A. L. Sands, 6-3, 6-0, 6-3; F. C. Innan defeated R. R. Livingston, 6-1, 6-0, 6-1.

Second round continued: C. M. Church defeated F. L. Day, 6-1, 6-0, 6-1.

H. Wright defeated N. W. Niles, 6-3, 6-3, 7-5.

J. O. Ames defeated Q. F. Parrish, 6-1, 7-5, 6-0.

Emerson defeated E. S. Blair, 5-7, 7-5, 6-1.

C. M. Bull defeated E. H. Whitney, 2-6, 6-4, 6-3, 6-0.

W. Penniman defeated Reginald Brooks by default.

H. C. Penniman defeated G. A. Thompson by default.

J. D. E. Jones defeated T. R. Pell by default.

H. Torrance defeated H. Buckwater, 6-3, 6-3, 6-3.

H. A. MacKinney defeated D. F. Appleton, 6-4, 6-1, 6-0.

First round continued: F. J. Sulloway defeated P. B. Hawk, 6-1, 6-2, 6-3.

A. L. Westfall defeated A. S. Dabney, 6-2, 6-2, 6-3.

W. J. F. Johnson defeated C. O. Fooks, 4-1, 6-2, 6-1.

F. B. Alexander defeated R. H. Pearson, 6-0, 6-3, 6-1.

R. Leroy defeated F. W. Watrous, 6-3, 6-4, 6-1.

BROOKLYN

(Continued from First Page.)

throw the runner out at first. Wagner out. Patton to Jordan. NO RUNS.

Fifth Inning.

Wilhelm fanned. Patton singled to right. Patton stole second. Lumley out. Abbe to Storke. Hummel singled to centre, scoring Patton. Storke walked. Gibson to Wagner. O'NE RUN.

Storke fled to Patton. Abbe out. Sheehan to Jordan. Wilson out. Lewis to Jordan. NO RUNS.

Sixth Inning.

Jordan fanned. Lewis out to Young and was out at first. Abbe and Storke settled. Bergen. NO RUNS.

Gibson out. Patton to Jordan. Wilson out. Lewis to Jordan. NO RUNS.

Seventh Inning.

Sheehan out. Abbe to Storke. McMillan out. Lewis to Storke. Wilson out. Gibson to Wagner. O'NE RUN.

Learn singled to centre. Clarke fanned. Wagner fanned to Storke. Storke out. Lewis to Jordan. NO RUNS.

Eighth Inning.

Patton fled to Abby. Lumley fled to Thomas, who made a great running catch. Hummel fanned. NO RUNS.

Abbe out. Patton to Jordan. Wilson out. Patton to Jordan. Gibson fled to Lumley. NO RUNS.

Ninth Inning.

Jordan fanned to Wilson. Lewis out. Wagner fanned. Bergen out. Storke fanned. NO RUNS.

Starr batted for Young. Starr fanned to Bergen. Thomas singled to Patton. Learn fanned. O'NE RUN.

Clarke walked. Wagner singled to short. Bling the bases. Storke out. Patton to Jordan. NO RUNS.

Hot Weather

During hot summer weather men, women and children will drop down from sunstroke and heat prostration, if the constitution is weak.

Every one should, during these hot, humid days, be on guard. Life depends on care. Keep the body strong and vigorous, shun ice water, unripe fruit. Eat and drink with discretion. Put a teaspoonful of Duffy's Pure Malt Whiskey in each glass of water you drink. It kills all disease germs. Prescribed as a family medicine by thousands of leading doctors. If you wish to keep strong and vigorous and have on your cheeks the glow of perfect health, take Duffy's Pure Malt Whiskey regularly, according to directions. Duffy's Pure Malt Whiskey tones and strengthens the heart action and purifies the entire system.

Duffy's Pure Malt Whiskey is an absolutely pure distillation of malted grain; great care being used to have every kernel thoroughly malted, thus destroying the germ and producing predigested liquid food in the form of a malt essence, which is the most effective tonic, stimulant and invigorator known to science; softened by warmth and moisture, its palatability and freedom from injurious substances render it so that it can be retained by the most sensitive stomach.

If weak and run down, take a teaspoonful four times a day in half a glass of milk or water.

Duffy's Pure Malt Whiskey is sold throughout the world by druggists, grocers and dealers, or shipped direct for \$1.00 per bottle.

If in need of advice, write Consulting Physician, Duffy Malt Whiskey Company, Rochester, New York, stating your case fully. Our doctors will send you advice free, together with a handsome illustrated medical booklet containing some of the many thousands of gratifying letters received from men and women in all walks of life, both old and young, who have been cured and benefited by the use of the World's greatest medicine.

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DEO

COAKLEY—Suddenly, CATHERINE COAKLEY, in her 16th year, Funeral from her father's residence, 33 West 44th st., Thursday, Aug. 10, 1.30 P. M. Relatives and friends are invited to attend. Interment Calvary.

Funeral services will be held at his late residence, 624 8th ave., on Thursday, Aug. 20, at 2 P. M. Member of Temple Lodge No. 203, F. and A. M., and Elmer Lodge No. 22, I. O. F. & L.

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This Coupon Entitles the Holder to Cast One Vote for the Most Popular Man in Greater New York, or One Vote for the Most Beautiful Woman, Who, on Sept. 14, 1908, at the

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I vote for.....for King (or Queen)

Contest Closes 12 Noon Sept. 10, 1908.

President.

Mail VOTES TO EVENING WORLD MARDI GRAS EDITOR, P. O. Box 1354.